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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,456	10/26/2001	Charles E. Schinner	10014488 -1	3561

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EXAMINER

CARBONELLO, MICHAEL J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/053,456	SCHINNER, CHARLES E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Carbonello	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The specifications were received on 10/26/2001. The examiner accepts these specifications.

### ***Drawings***

2. The drawings were received on 10/26/2001. The examiner accepts these drawings.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al.
4. Regarding claims 1 and 7, Ikeda et al discloses in column 2, lines 43-45, column 1, lines 31-33, and figure 1; "an image sensor including a plurality of image capture elements, each of the image capture elements configured to capture image data, an input element for communicating print size information to the apparatus, and logic for determining which of the plurality of image capture elements correspond to the print size." Using the broadest reasonable interpretation, the line sensor [12] with a row of

photoelectric conversion units would be viewed a plurality of image capture elements. Further, the CPU [1] would be a type of logic, and the connection shown between the various components would be input elements for communicating print sizes.

5. Regarding claims 2 and 3, Ikeda et al discloses the methods and devices disclosed above and further discloses in column 11, line 1-8; "wherein each of the plurality of image capture elements is used to capture the image data and only a portion of the image data is presented to a user." And, "wherein a portion of the plurality of image capture elements is used to capture the image data and only the captured image data is presented to a user." Using the broadest reasonable interpretation the ability to choose which frames are selected would be a method of displaying only a portion of the image to a user.

6. Regarding claim 4, Ikeda et al discloses the methods and devices disclosed above and further discloses in column 6, lines 59-62; "wherein the print size aspect ratio corresponds to the aspect ratio of the image sensor." Using the broadest reasonable interpretation the various aspect ratios available could correspond to the image sensor aspect ratios.

7. Regarding claim 5, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 9, "further comprising logic for presenting an image capture template to a user of the apparatus." Using the broadest reasonable interpretation the "Index Display Setting Window" (figure 9), which shows a variety of possible displays methods, could be viewed as the logic needed for an image capture template to a user of the apparatus.

8. Regarding claims 6 and 21, Ikeda et al discloses the methods and devices disclosed above and further discloses in column 2, lines 24-31; "wherein the image capture template provides a visual reference to the plurality of image capture elements that correspond to the selected print size." Using the broadest reasonable interpretation, the thumbnail images would be a "visual reference to the plurality of image capture elements."

9. Regarding claim 8, Ikeda et al discloses the methods and devices disclosed above and further discloses in column 1, lines 31-33, figure 1 and figure 8; "comprising the steps of, capturing image sensor data using all of the image capture elements, and presenting image data from only those image capture elements corresponding to the selected print size to a user of the image capture device." Using the broadest reasonable interpretation the Line Sensor [12] would be a method of capturing image sensor data. Further, the "Index Display Setting Window" is a method, which provides the ability to choose from a variety of display options, would be a method of presenting image data from only those image capture elements corresponding to the print size"

10. Regarding claim 9, Ikeda et al discloses the methods and devices disclosed above and further discloses in column 8, lines 2-9, and figure 1; "comprising the step of capturing image sensor data using only those image capture elements corresponding to the selected print size." Using the broadest reasonable interpretation the Line Sensor Driving Circuit [6], which controls the accumulation operation could be viewed as a step of capturing image sensor data sing only those image capture elements corresponding to the selected print size."

11. Regarding claim 10, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 33; "comprising the step of printing the image sensor data corresponding to the selected print size." Using the broadest reasonable interpretation the "Print" button under the "Duplicate Printing Information" would demonstrate this device's ability to print the image sensor data.

12. Regarding claims 11 and 20, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 9; "comprising the steps of presenting the image sensor data to a user of the image capture device, and superimposing an image capture template over the image sensor data, the image capture template providing a visual reference on a display." Using the broadest reasonable interpretation the Display Methods 1-4, would be a method of presenting the image sensor data to a user. Further the "Simultaneous Display of Magnetic Information" and mage could be a method of superimposing the image capture template providing a visual display for a user.

13. Regarding claim 12, Ikeda et al discloses the methods and devices disclosed above and further disclosed in column 2, lines 24-31; "wherein the visual reference corresponds to the image sensor data" Using the broadest reasonable interpretation the thumbnail images would be a visual reference for of the image sensor data.

14. Regarding claims 13-15 and 22-24, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 8 and figure 10; "wherein the image capture template is fixed." And, "wherein the image capture template is variable." Lastly, "wherein a plurality of image capture templates are made available to a user of

the image capture device.” With respect to claims 13 and 22, using the broadest reasonable interpretation the H size, C size and P size (figure 8), would a type of fixed template. With respect to claims 14 and 23, the “Setting Range of the Pixels”, X1, X2, Y1, and Y2 (figure 10), used in conjunction with the Display Range (figure 10), could be a type of variable image capture template. With respect to claims 15 and 24, figure 8 and figure 10 are both labeled as display windows, which would be a method where a plurality of display methods are available to the user.

15. Regarding claim 16, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 1, figure 8 and figure 10; “A computer readable medium having a program for adapting a print size to a captured image in a digital image capture device, the program including logic for performing the steps of: determining the elements of an image sensor that correspond to a selected print size; and presenting image sensor data corresponding to the selected print size to a user of the image capture device.” Using the broadest reasonable interpretation the CPU [1], Memory [2], Signal Processing Circuit [7], and the A/D [8] (figure 1) would constitute a computer readable medium for “adapting a print size to a captured image in a digital image capture device.” Further the display windows of figure 8 and figure 10 would be a method to display the image sensor data.

16. Regarding claim 17, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 1, figure 8, and figure 10; “comprising logic for performing the steps of capturing image sensor data using all of the image capture elements associated with the image sensor, and presenting image data from only those

image capture elements corresponding to the selected print size to a user of the image capture device.” Using the broadest reasonable interpretation the CPU [1] (figure 1) would have the ability to compute logic, and figure 8 and figure 10 allow only the desired image sensor data to be chosen for the selected print size.

17. Regarding claim 18, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 1 and figure 8; “comprising logic for performing the step of capturing image sensor data using only those image capture elements associated with the image sensor that correspond to the selected print size.” Using the broadest reasonable interpretation the CPU [1] (figure 1) would be the logic, and the Frames to be Displayed [1-1] (figure 8) would use only the image capture elements associated with the image sensor data to the selected size.

18. Regarding claim 19, Ikeda et al discloses the methods and devices disclosed above and further discloses in figure 33; “comprising logic for performing the step of printing the image sensor data corresponding the selected print size.” Using the broadest reasonable interpretation the “Duplicate Printing Information” and “Designation Method”, particularly the “Print Size”, “Picture Size” and “Print Output Format” information would be a method of logic for printing the image sensor data corresponding the selected print size.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Anderson discloses, "Method and system aspects for digital image stamping are disclosed. A method aspect, and system for providing same, stamps digital images captured with a digital image capture unit. Included are the establishing of parameters for at least one stamp type and the capturing of raw image data. Further included are the processing of the raw image data into at least one image, and the applying of the at least one stamp type to the at least one image."

Tamura et al discloses, "An image capturing and printing apparatus, is provided with an electronic camera section having an image capturing device for photographic a object image to be photographed so as to convert the photographed object image into image signals; a printing section structured so as to be detachably attached to the electric camera section and having a printer for conducting printing based on the image signals received from the electronic camera section; and the electronic camera section having an engaging section adapted to mechanically engages with the printing section, and a connecting section adapted to electronically connect with the printing section."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Carbonello whose telephone number is (571) 272-0625. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Carbonello  
Examiner  
Art Unit 2622

MJC

JOSEPH R. POKRZYWA  
PRIMARY EXAMINER  
ART UNIT 2622

A handwritten signature in black ink, appearing to read "Joseph R. Pokrzywa", written in a cursive style.